UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,160	07/21/2003	Duane Firman	9400-32	6490

20792   7590   01/06/2009
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ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
01/06/2009	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/624,160
Filing Date: July 21, 2003
Appellant(s): FIRMAN, DUANE

Laura M. Kelley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/15/2008 appealing from the Office action mailed

04/16/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| Patent No. 6493694 B1 | Xu et al. | 12-2002 |
| Pub. No. US 2002/0168054 A1 | Klos et al. | 11-2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   **Claims 1, 2, 4-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xu**

et al (Patent No US 6493694 B1; hereinafter Xu) in view of Klos et al (Pub No US

2002/0168054 A1; hereinafter Klos).

As to claims 1 and 15, Xu teaches:

A method and system for correcting an error in a service order, the service order

comprising an electronic document having a plurality of fields, the plurality of fields having data

associated therewith (e.g., see col. 1 lines 39-50, col. 4 lines 9-11 and lines 57-67), the method

comprising:

providing a service order control panel, the service order control panel comprising a

plurality of function commands, each function command having an associated predetermined

function that manipulates data in at least one of the plurality of fields in the service order (e.g.,

see col. 4 lines 1-8 and col. 8 lines 1-34; note that through the Magic Box Engine Interfaces, a

user can issues command to update or correct a service order, see col. 7 lines 59-67 through

col. 8 lines 1-34);

detecting an error in the service order, wherein said detecting is performed by a service

provider using computer software code to identify a data irregularity (e.g., see col. 4 lines 9-28);

accepting user input from a user to select a function command, wherein the user input is

provided by a service provider (e.g., see col. 4 lines 24-28 and col. 8 lines 1-8; note the rule

language supports a simplistic way of invoking functions, see col. 20 lines 55-57); and

automatically performing the predetermined function associated with the selected

function command to manipulate data to correct the error in at least one of the plurality of fields

in the service order (e.g., see col. 4 lines 9-28 and lines 57-67 through col. 5 lines 1-5 and col. 8

lines 1-34).

Xu does not expressly teach a service order control panel comprising a plurality of

function controls and user selection of a function control.

Klos teaches a system and method for provisioning a digital subscriber line service in a

telecommunication network wherein the system further comprises a graphical user interface

(GUI) that enables interaction by a network operator (e.g., see [0053], [0065]). Klos further

teaches errors are identified related to at least on of the service order and the errors are

displayed at the GUI to enable a user to analyze and respond to the errors (e.g., see [0058]).

Specifically, Klos teaches a service order control panel comprising a plurality of function controls

and user selection of a function control (e.g., [0089], [0090]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have used the control panel for provisioning a service order as taught by

Klos to the method and system for correcting an error in a service order as taught by Xu to

achieve the claimed invention because Xu suggests to a skilled artisan that different

applications or languages can be used to implement the method of correcting an error in a

service order (e.g., see Xu col. 4 lines 3-8). As further suggested by Xu, the motivation for the

combination is to avoid the delay of the automatic distribution and processing of a service order

that the errors detected in the service order might cause (e.g., see Xu col. 1 lines 15-23).

As to claim 13, claim 13 reflects a computer program product comprising a computer

readable medium having computer readable program code embodied therein (e.g., see col. 3

lines 29-45), the computer readable program code used for performing the methods steps as

claimed in claim 1 and is rejected along the same rationale.

As to claims 2, 14, and 16, Klos further teaches wherein the service order control panel

further comprises at least one linking control, the linking control having a portion of the service

order associated therewith (e.g., see [0090] and Fig. 1), the method further comprising:

    accepting user input to select a linking control (e.g., see [0053] and [0090]); and

    displaying the portion of the service order associated with the selected linking control

(e.g., see [0090]). Thus, combining Klos and Xu would meet the claimed limitations for the

same reasons as discussed with respect to claim 1 above.

As to claim 4, Xu further teaches accepting user input from the user to edit data

associated with at least one of the plurality of fields (e.g., see col. 4 lines 9-28 and col. 8 lines 1-

34).

As to claim 5, Xu further teaches wherein the predetermined function comprises a

disconnect function and performing the predetermined function further comprises automatically

disconnecting a telecommunications service (e.g., see col. 4 lines 1-33 and lines 56-67 through

col. 5 lines 1-5; note that the service order relates to telecommunication service, see col. 1 lines

10-25).

As to claim 6, Klos further teaches wherein the predetermined function comprises a connect function and performing the predetermined function further comprises automatically connecting a telecommunications service (e.g., see [0090]). Thus, combining Klos and Xu would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 7, Klos further teaches wherein the predetermined function comprises a transfer function and performing the predetermined function further comprises automatically transferring a telecommunications service to a predetermined location (e.g., see [0089]). Thus, combining Klos and Xu would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 8, Klos further teaches wherein the predetermined function comprises a no field work function and performing the predetermined function further comprises changing one of the plurality of fields in the service order to indicate that no field work is required (e.g., note the GUI further enables a manual intervention schedule, used to resolve order and provisioning errors, see [0090]; although the disclosed invention does not teach the no field work function, the disclosed invention clearly teaches that field work included as part of a service order; of course, when a service order that can be updated or manipulated, those skilled in the art would appreciate this function to be able to complete a service order). Thus, combining Klos and Xu would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 9, Klos further teaches wherein performing the predetermined function further comprises manipulating the data in at least one of the plurality of fields in the service order to indicate that the service order is complete (e.g., see Fig. 4). Thus, combining Klos and

Xu would meet the claimed limitations for the same reasons as discussed with respect to claim

1 above.

As to claim 10, Xu further teaches wherein performing the predetermined function

further comprises altering data in at least one of the plurality of fields in the service order (e.g.,

see col. 4 lines 9-28 and col. 8 lines 1-34).

As to claim 11, Klos further teaches wherein the data is a date of service (e.g., see

[0090]). Thus, combining Klos and Xu would meet the claimed limitations for the same reasons

as discussed with respect to claim 1 above.

As to claim 12, Xu further teaches wherein the service order is a telecommunications

service order (e.g., see col. 1 lines 10-25).

As to claim 17, Xu further teaches wherein the detected error is a data inconsistency

(e.g., see col. 1 lines 10-25).

As to claim 18, Xu further teaches further comprising identifying the fields that include

inconsistent data in the service order (e.g., see col. 4 lines 1-33).

(10) Response to Argument

Xu et al. reference (hereinafter referred to as Xu): Xu teaches a method and a system

for correcting text service orders (e.g., col. 1 lines 36-38) wherein a service order comprises an

electronic document having a plurality of fields, and the plurality of fields have data associated

therewith (e.g., col. 4 lines 57-67). Xu teaches a Magic Box control panel for correcting service

orders (e.g., col. 4 lines 9-11) wherein command can be issued to the Magic Box by the users

through the interactive mode (e.g., col. 8 lines 1-34). Xu teaches the commands that are

available in the interactive mode comprise RP for replace a service order retrieved using UP

command, CO for cancelling an existing service order (e.g., see Table 2 in column 8). Xu

further teaches through the interactive mode, the user can specify a file name containing the

commands and the engine executes these commands in batch (e.g., col. 12 lines 14-17)

wherein the file name containing the commands comprises rule for correcting service orders

(e.g., col. 2 lines 40-43, col. 7 lines 1-8 and lines 36-38).

     <u>Klos et al. reference (hereinafter referred to as Klos)</u>: Klos teaches a system and method

for provisioning a digital subscriber line service in a telecommunication network wherein the

system further comprises a graphical user interface (GUI) that enables interaction by a network

operator (e.g., see [0053], [0065]). Klos teaches when the service order includes erroneous

data, an error message identifying the erroneous data is displayed at the GUI. Input is received

from the GUI to correct the erroneous data (e.g., [0053], [0058]). Klos teaches a service order

control panel comprising a plurality of function controls and user selection of a function control

(e.g., [0089], [0090]; wherein depending on the type of errors, portions of the service order may

be corrected via GUI).

     The arguments:

I.   **Introduction**

a)   Appellants argue that the cited prior art does not disclose all of the elements recited in

the claims; and there are no apparent reasons or reasonable expectation of success to modify

or combine the references as proposed by the Examiner (Appeal Brief dated 10/15/2008 page

4, paragraph 3).

     The examiner respectfully disagrees and notes that KSR forecloses Appellant's argument

that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82

USPQ2d at 1396. In the 04/16/2008 Office Action on pages 2-4, the examiner has addressed

the 103 rejection following the basic factual inquiries of Graham v. John Deere. The examiner

determines the scope and content of Xu reference by providing the mapping between the

features of claim 1 and the Xu reference. The examiner then ascertains the differences

between the claimed invention and the Xu reference by admitting that Xu does not teach a

service order control panel comprising a plurality of function controls and user selection of a

function control (e.g., page 4 of the Office Action). Finally, the examiner resolves the level of

ordinary skill in the pertinent art by providing rational to support the conclusory statement. This

rational can also be found in the foregoing rejection of claim 1. In this case, the combination of

Xu and Klos teaches all the limitations of the claims as rejected supra.

II.   **Independent Claims 1, 13, 15**

a)   Appellants argue that the cited prior art of Xu fails to disclose function controls having an

associated predetermined function that manipulates data in at least one of the plurality of fields

in the service order and accepting user input to select a function control (Appeal Brief dated

10/15/2008 page 5, paragraphs 3, 4).

The examiner respectfully disagrees and directs the Appellants to the fact that arguing

that the cited prior art teaches additional features or unrelated embodiments, does nothing to

address the evidence relied upon in support of the rejection. In this case, While Xu discloses an

automatic rule-based technique for correcting errors in a service order (e.g., col. 2 lines 63-67,

col. 7 lines 36-46), Xu additional discloses commands can be issued to the Magic Box by the

user through the interactive mode (e.g., col. 8 lines 1-34). Xu teaches the commands that are

available in the interactive mode comprise RP for replace a service order retrieved using UP

command, CO for cancelling an existing service order (e.g., see Table 2 in column 8). Xu

further teaches through the interactive mode, the user can specify a file name containing the

commands (i.e., the file containing rules for correcting errors) and the engine executes these

commands in batch (e.g., col. 12 lines 14-17) wherein the file name containing the commands

comprises rule for correcting service orders (e.g., col. 2 lines 40-43, col. 7 lines 1-8 and lines

36-38). For at least this reasons, the examiner maintains the position that the prior art of Xu

discloses the limitation "a service order control panel, the service order control panel comprising

a plurality of function commands, each function command having an associated predetermined

function that manipulates data in at least one of the plurality of fields in the service order" as

addressed in the foregoing rejection of claim 1.

b)   Appellants further argue that the commands in the interactive mode do not include a

predetermined function that manipulates data in at least one of the plurality of fields in the

service order (Appeal Brief dated 10/15/2008 page 5, paragraph 5 to page 6, paragraph 2).

        The examiner respectfully disagrees. The prior art of Xu clearly teaches that the

commands that are available in the interactive mode comprise RP for replace a service order

retrieved using UP command, CO for cancelling an existing service order (e.g., see Table 2 in

column 8). Clearly, the skilled artisan in the art would realize that each command shown in

Table 2 would have an associated predetermined function that manipulates data in at least one

of the plurality of fields in the service order. For example, the command CO as disclosed in

table 2 or table 5 can modify the status field of the service order to "cancel". Thus, Using the

commands shown in Table 2, the user can directly manipulate data in the at least one of the

plurality of fields in the service order. In addition, Xu further teaches through the interactive

mode, the user can specify a file name containing the commands (i.e., the file containing rules

for correcting errors) and the engine executes these commands in batch (e.g., col. 12 lines 14-

17) wherein the file name containing the commands comprises rule for correcting service orders

(e.g., col. 2 lines 40-43, col. 7 lines 1-8 and lines 36-38). Thus, the user can also issue

commands to manipulate data in at least one of the plurality of fields in the service orders

indirectly.

c)   Appellants argue that neither Xu nor Klos discloses the limitation "a service order panel

including a plurality of function controls and user selection of the functional controls" (Appeal

Brief dated 10/15/2008 page 6, paragraph 4).

The examiner respectfully disagrees and directs the Appellants to the fact that one

cannot show nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the

prior art of Xu teaches a command line control panel that allows the user to issue function

commands, wherein each function command having an associated predetermined function that

manipulates data in at least one of the plurality of fields in the service order (e.g., see

arguments presenting in sections a) and b)). The examiner then admits that while Xu discloses

accepting user input from a user to select a function command (e.g., the user can issue a

command line using interactive mode, see col. 8 lines 1-34 and col. 12 lines 14-17), Xu does not

expressly teach a service order control panel comprising a plurality of function controls and user

selection of a function control.

Klos teaches when the service order includes erroneous data, an error message

identifying the erroneous data is displayed at the GUI. Input is received from the GUI to correct

the erroneous data (e.g., [0053], [0058]). Klos teaches depending on the type of error, <u>portions</u>

<u>of the service order can be corrected via the GUI</u> (e.g., see [0089]). Klos teaches the GUI

enables the network provider to <u>update network elements</u>, <u>disconnect services</u>, <u>change</u>

<u>services</u>, resubmit service orders having provisioning errors and resubmit service orders

awaiting manual coordination or assistance (e.g., see [0090]). Therefore, Klos teaches a service order control panel comprising a plurality of function controls and user selection of a function control (e.g., [0089], [0090]). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have combined the teaching of Xu with the teaching of Klos to achieve the claimed invention for the same reasons as set forth in the foregoing rejection of claim 1.

d)   Appellants argue that Klos requires manual intervention by an operator to resolve errors therefore concludes that Klos does not disclose a service order control panel having a plurality of function controls, accepting user input from a user to select a function control, automatically performing the predetermined function associated with the selected function control to manipulate data (Appeal Brief dated 10/15/2008 page 7, paragraph 2).

The examiner respectfully disagrees and notes that the limitations of "automatically performing the predetermined function associated with the selected function command to manipulate data to correct the error in at least one of the plurality of fields in the service order" is disclosed by Xu as rejected supra (e.g., see col. 4 lines 9-28 and lines 57-67 through col. 5 lines 1-5 and col. 8 lines 1-34). As addressed in the response to argument c), Klos teaches a graphical user interface that can display error data of a service order (e.g., [0053], [0058]). Klos teaches depending on the type of error, portions of the service order can be corrected via the GUI (e.g., see [0089]). Klos teaches the GUI enables the network provider to update network elements, disconnect services, change services, resubmit service orders having provisioning errors and resubmit service orders awaiting manual coordination or assistance (e.g., see [0090]). Even though Klos teaches the GUI enables the network provider to resubmit orders awaiting manual coordination or assistance, the examiners interprets it to be an additional/optional function control where manual coordination or assistance is required.

Because the network operators can update network elements, disconnect services, change

services, resubmit service order having provisioning errors and because portions of the service

order can be corrected via the GUI, the examiner concludes that the prior art of Klos suggests a

service order control panel having a plurality of function controls, accepting user input from a

user to select a function control. And thus, combining Xu and Klos would meet the claimed

invention for the same reasons as set forth in the foregoing rejection of claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/TuyetLien T Tran/
Examiner, Art Unit 2179

Conferees:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179

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